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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,470	12/16/2003	James A. Hough	F-670	1469

919 7590 10/29/2009  
PITNEY BOWES INC.  
35 WATERVIEW DRIVE  
MSC 26-22  
SHELTON, CT 06484-3000

EXAMINER
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KARLS, SHAY LYNN

ART UNIT	PAPER NUMBER
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3723

NOTIFICATION DATE	DELIVERY MODE
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10/29/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

iptl@pb.com

Art Unit: 3723

### **DETAILED ACTION**

Note: This is a copy of the action mailed on 10/1/09 but with a director's signature.

As per the Board decision on 7/24/09, the Examiner was affirmed in part. All the rejections were affirmed except for the rejection of claim 5. Therefore, the Examiner is reopening this application to address claim 5 and the claims from which it depends (claims 1-3). All other claims are canceled.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 5 (which depends from claims 1-3) is rejected under 35 U.S.C. 103(a) as being unpatentable over Beeson (USPN 5589865).

Beeson teaches all the essential elements of the claimed invention as recited in claims 1-3, as previously rejected by Beeson in the final action dated 5/21/07, and as affirmed by the

Art Unit: 3723

Board decision on 7/22/09, however with regards to claim 5, Beeson fails to teach that the first strip of material (36) comprises a lint-free, lead-free, non-abrasive, open-cell foam. Beeson's first strip of material (36) is an absorbent pad (implies open-cell) which has antistatic properties with low abrasive characteristics and is lint-free (col. 5, lines 21-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the first strip of material (36) of Beeson so that it is completely non-abrasive and lead-free as required by the claim since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416. Further, using a material that is lead-free would help create a non-abrasive surface and would allow the cleaning pad to clean more efficiently. Additionally, it would have been obvious to modify the first strip of material so that is made from foam. The first strip of material is described in Beeson as an absorbent material and therefore making it from foam would not modify or alter the properties or function of the strip since foam is absorbent. Beeson further teaches using foam for the second strip of material (34; col. 5, lines 10-11)) and therefore since Beeson acknowledges the use of foam as a possible cleaning pad material, it would have been obvious to use an open cell foam for the first cleaning strip of material as well.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Karls whose telephone number is 571-272-1268. The examiner can normally be reached on 6:30-5:00 M-Th.

Art Unit: 3723

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Shay L Karls/  
Primary Examiner, Art Unit 3723

/Joseph J. Hail, III/

Supervisory Patent Examiner, Art Unit 3723

**A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth above by signing below:**

/DONALD T HAJEC/

Director, Technology Center 3700